

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA
EIGHTH DAY'S PROCEEDINGS**

**Thirty-First Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, May 5, 2005

The Senate was called to order at 9:30 o'clock A.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

ABSENT

Hollis	McPherson
Total - 2	

The President of the Senate announced there were 35 Senators present and a quorum.

Prayer

The prayer was offered by Reverend Gordon Atwell, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Bajoie, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the President

The following messages from the President were received and read as follows:

SENATE
State of Louisiana

May 5, 2005

Honorable Edwin R. Murray
State Senator
1540 North Broad

New Orleans, LA 70119

Dear Senator Murray:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the Senate Committee on Judiciary B.

Sincerely,
DONALD E. HINES
President

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 5, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 460—

BY REPRESENTATIVES ALARIO, SALTER, DORSEY, HAMMETT, ALEXANDER, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BRUCE, BURNS, BURRELL, K. CARTER, CAZAYOUX, CRANE, CRAVINS, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DOVE, DOWNS, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEATON, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KENNARD, LAFLEUR, LAFONTA, MARCHAND, MCDONALD, MCVEA, MONTGOMERY, MORRELL, ODINET, PIERRE, PINAC, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, WALKER, WALSWORTH, WHITE, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, BAJOIE, AND MOUNT

AN ACT

To enact Part VI-A of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2365, relative to state funds; to establish the Rapid Response Fund as a special treasury fund; to provide for the dedication, deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 490—

BY REPRESENTATIVES WADDELL, PINAC, JOHNS, AND THOMPSON

AN ACT

To amend and reenact R.S. 37:2156(C)(3), relative to the State Licensing Board for Contractors; to provide for donations to public university foundations by contractors; and to provide for related matters.

HOUSE BILL NO. 821(Substitute for House Bill No. 129 by Representative Montgomery)—

BY REPRESENTATIVES MONTGOMERY, GALLOT, M. GUILLORY, ST. GERMAIN, WALSWORTH, AND DARTEZ AND SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 13:1899(C), relative to the assessment of costs in criminal cases in city courts; to provide for a more uniform and in some instances an increase in court costs in criminal matters to fund the offices of marshals and constables of the courts; to provide for an exception, and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 460—

BY REPRESENTATIVES ALARIO, SALTER, DORSEY, HAMMETT, ALEXANDER, ARNOLD, BADON, BALDONE, BARROW, BAUDOUIN, BAYLOR, BRUCE, BURNS, BURRELL, K. CARTER, CAZAYOUX, CRANE, CRAVINS, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DOVE, DOWNS, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEATON, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KENNARD, LAFLEUR, LAFONTA, MARCHAND, MCDONALD, MCVEA, MONTGOMERY, MORRELL, ODINET, PIERRE, PINAC, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, WALKER, WALSWORTH, WHITE, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, BAJOIE, AND MOUNT

AN ACT

To enact Part VI-A of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2365, relative to state funds; to establish the Rapid Response Fund as a special treasury fund; to provide for the dedication, deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 490—

BY REPRESENTATIVES WADDELL, PINAC, JOHNS, AND THOMPSON

AN ACT

To amend and reenact R.S. 37:2156(C)(3), relative to the State Licensing Board for Contractors; to provide for donations to public university foundations by contractors; and to provide for related matters.

The bill was read by title; lies over under the rules.

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AN ACT

To amend and reenact R.S. 13:1899(C), relative to the assessment of costs in criminal cases in city courts; to provide for a more uniform and in some instances an increase in court costs in criminal matters to fund the offices of marshals and constables of the courts; to provide for an exception, and to provide for related matters.

The bill was read by title; lies over under the rules.

**House Bills and Joint Resolutions
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 12—

BY REPRESENTATIVES JANE SMITH AND M. POWELL

AN ACT

To enact R.S. 39:1214(C) and (D), relative to invitations to bid for a fiscal agency; to provide that the term of contracts for a fiscal agency with the clerk of court of Bossier Parish may not exceed the term of the clerk; to provide that the term of contracts for a fiscal agency with the clerk of court of Caddo Parish may not exceed the term of the clerk; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 27—

BY REPRESENTATIVE GEYMAN

AN ACT

To To amend and reenact R.S. 33:2201(B)(16), relative to financial security for surviving spouses and children of law enforcement officers; to include constables of justice of the peace courts and their deputies as law enforcement officers for purposes of benefit payments to survivors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 59—

BY REPRESENTATIVE E. GUILLORY

AN ACT

To amend and reenact R.S. 37:367, relative to issuance of certain certificates of registration; to prohibit the listing of complete social security numbers on the certificates of registration for barbers and instructors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 311—

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:231(C), 403(introductory paragraph) and (5), 429, 441(A), 444(A)(1)(a), and 461(B), relative to benefits of the Louisiana State Employees' Retirement System; to provide for definitions; to provide for calculation of average compensation; to provide for calculation of benefits; to provide for eligibility to receive benefits; to provide relative to purchase of service credit to be used for benefit calculation; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

HOUSE BILL NO. 321—

BY REPRESENTATIVE ROMERO

AN ACT

To amend and reenact R.S. 51:913 and 913.3 and to enact R.S. 51:913.4, relative to oil field and farm equipment; to provide for recordkeeping requirements for dealers; to provide for penalties; to provide for injunctive relief; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 340—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2011(C)(1)(b), (c), and (d) and 2019(D)(1)(b) and (4) and R.S. 36:236(B) and 238(C), (D), and (E), relative to the authority of the offices of environmental compliance, environmental services, and environmental assessment in the Department of Environmental Quality; to provide relative to licenses, registrations, exemptions, and certifications of radiation sources; to provide relative to laboratory services; to provide for the promulgation of rules and regulations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Environmental Quality.

HOUSE BILL NO. 364—

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 25:215(B)(15), relative to the Concordia Parish Library; to transfer the administration of and accounting functions for funds of the library from the Concordia Parish Police Jury to the Concordia Parish Library Board of Control; to provide relative to the responsibilities of the police jury with respect to the library; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 396—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 25:380.52(C)(2), relative to the Louisiana Delta Music Museum; to increase the membership of the governing board of the museum; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 408—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 6:289, relative to executive officers and employees; to provide for loan restrictions; to provide for definitions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 427—

BY REPRESENTATIVE BADON
AN ACT

To enact R.S. 33:9079, relative to the Kingswood Subdivision Improvement District; to create and provide for such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 432—

BY REPRESENTATIVES ALARIO, SALTER, DORSEY, AND HAMMETT
AND SENATORS HINES, BAJOE, HEITMEIER, AND MOUNT
AN ACT

To amend and reenact R.S. 39:1593(C)(1)(a), relative to state procurement; to expand the authorized use of a competitive request for proposal process under certain circumstances; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 560—

BY REPRESENTATIVES ALARIO, SALTER, DORSEY, AND HAMMETT
AND SENATORS HINES, BAJOE, HEITMEIER, AND MOUNT
AN ACT

To amend and reenact R.S. 39:2(23) and (24) and 36(A), relative to the state budget and budget process; to provide for the executive budget; to modify certain definitions; to provide with respect to the contents and format of the executive budget; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 570—

BY REPRESENTATIVES LAFONTA AND JEFFERSON
AN ACT

To enact R.S. 29:41, relative to exposure to depleted uranium; to provide for definitions; to provide for screening of certain members of the armed forces of the United States; to provide for reports on training; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 658—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 11:263, 264, 264.4, 264.7(A), 266(B) and (C), 267(B)(2) and (C), and 269, to enact R.S. 11:264.5(C) and Subpart N of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:351 and 352, and to repeal R.S. 11:267(B)(3) and (D), relative to investments of the state and statewide retirement systems; to provide relative to fiduciary duty, including enforcement of requirements therefor; to require disclosure by investment consultants and money managers; to provide for penalties; to provide for reports; to provide relative to investments in certain sanctioned nations; to provide for definitions; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

HOUSE BILL NO. 665—

BY REPRESENTATIVE TUCKER
AN ACT

To amend and reenact R.S. 33:2740.27(I) and (J)(1) and to enact R.S. 33:2740.27(A)(3), (H)(4), and (N), relative to the parish of Orleans; to provide with respect to the Algiers Development District; to designate the district as a local redevelopment authority for federal military base realignment purposes; to provide relative to the powers and authority of the district, including ad valorem tax authority and the authority to incur debt and issue bonds; to authorize and provide for combining the design and construction phases of any project and to utilize the request for proposals process in such endeavors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 800—

BY REPRESENTATIVE SALTER
AN ACT

To amend and reenact R.S. 24:651(B), (C), and (E), relative to the Joint Legislative Committee on the Budget and its authority, duties, and functions; to provide for an executive committee and its officers, powers, duties, and functions; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

**House Concurrent Resolutions
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 51—

BY REPRESENTATIVE DAMICO
A CONCURRENT RESOLUTION

To urge and request the Department of Environmental Quality to develop a Louisiana mercury action plan with the goals of continual reduction in the use of mercury, continual reductions in releases of mercury to the environment, and minimization of human exposure to mercury.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Environmental Quality.

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

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May 5, 2005

SENATE BILL NO. 20— BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 24:771(3) and 772, relative to reports provided to the legislature; to provide for definitions; to provide for record maintenance and retrieval; to require audit determination of reporting compliance; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 53— BY SENATORS FIELDS AND JONES

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), 110(B)(1), 197, 402(B), the introductory paragraph of (C), (F)(2) and (G), 431(A)(1)(b), 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, the introductory paragraph of 467 and (2), 468(A), the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (D), 1308(A)(2)(a), 1311(D)(5)(a), 1314(C)(1) and (2) and (D), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17) and to enact R.S. 18:1275.1 through 1275.23, relative to elections; to provide for a party primary system of elections for congressional offices, including provisions to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; for qualification of candidates for congressional office having no party affiliation in the general election; for election in the general election by plurality vote; for voting for congressional offices by a voter registered as affiliated with the party in the party primary elections; to provide for voting of unaffiliated voters in party primaries; to provide for election dates; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 58— BY SENATORS DUPLESSIS AND FIELDS

AN ACT

To repeal R.S. 17:121(D), relative to participation in certain campaign activities for the election of school board members in Orleans Parish; to remove the prohibition against school board members or other elected officials in campaigning for or against the election of school board members in Orleans Parish; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 62— BY SENATORS DUPLESSIS AND BAJOEI

AN ACT

To enact R.S. 17:1601.6, relative to naming state buildings in honor of a living person; to name the building which houses the school of social work at Southern University in New Orleans; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

8th DAY'S PROCEEDINGS

SENATE BILL NO. 82—

BY SENATORS DARDENNE, AMEDEE, BARHAM, BOASSO, HOLLIS, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, NEVERS, SMITH, THEUNISSEN, JONES, DUPLESSIS, DUPRE, FIELDS, ELLINGTON AND ULLO AND REPRESENTATIVE GEYMAN

AN ACT

To repeal R.S. 42:1123(13), relative to the Code of Governmental Ethics; to repeal provisions relative to an elected official's authorization to accept certain gifts; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 107— BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 6:319, relative to financial institutions; to authorize banks to use additional FDIC insurance coverage to insure excess public funds on deposit; to provide that such funds are considered fully collateralized; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 107 by Senator Duplessis

AMENDMENT NO. 1

On page 1, delete lines 8 through 12 and insert the following:

"Notwithstanding any other law to the contrary, including, but not limited to R.S. 33:2955 and R.S. 49:327, any bank, savings bank or savings and loan association, domiciled or having a branch in Louisiana, that receives public funds deposits to be held in time certificates of deposit may utilize, and public bodies may accept, any recognized system or program to provide FDIC insurance coverage and such funds shall be deemed and considered fully collateralized, provided that the recognized system or program satisfies the FDIC's requirements for agency pass-through deposit insurance coverage."

On motion of Senator Michot, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 110— BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 9:3530(C), relative to consumer loan transactions; to provide for a documentation fee for certain consumer loan transactions; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 110 by Senator Smith

AMENDMENT NO. 1

On page 1, line 2 after "R.S. 9:3530(C)" and before the comma "," insert "(4)"

AMENDMENT NO. 2

On page 1, line 6 after "R.S. 9:3520(C)" and before "is" insert "(4)"

AMENDMENT NO. 3

On page 1, line 9 after "C.(1)" delete the remainder of the line and delete lines 10 through 15 in their entirety and insert the following:

" * * *

AMENDMENT NO. 4

On page 2, after line 3 insert the following: "Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Michot, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 149—

BY SENATOR BAJOE

AN ACT

To enact R.S. 46:450.5, relative to public assistance; to provide evaluation services to certain persons for chronic kidney disease; to provide early intervention and treatment to certain persons with chronic kidney disease; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 189—

BY SENATOR BROOME

AN ACT

To enact Part VI-B of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1742.1, relative to providing information and making recommendation of food, dietary supplement and homeopathic remedies; to provide with respect to disclosure by certain individuals who provide such information and recommendations; to provide for information to be disclosed in the disclosure and in advertising to exempt licensed health care providers from certain disclosures; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 189 by Senator Broome

AMENDMENT NO. 1

On page 1, delete line 4 and insert "recommendation of food and dietary supplements; to provide"

AMENDMENT NO. 2

On page 1, line 6 delete "and"

AMENDMENT NO. 3

On page 1, line 7, delete the line and insert "; and"

AMENDMENT NO. 4

On page 1, line 13, delete the line and insert the following "**FOOD AND DIETARY SUPPLEMENTS**"

AMENDMENT NO. 5

On page 1, delete lines 14 and 15 and insert the following: "**§1742.1. Disclosure of purveyors of food and dietary supplements**"

AMENDMENT NO. 6

On page 1, delete lines 16 and 17 and insert the following: "**A. Any person who is a vendor of food and dietary supplements who provides information or makes recommendations**"

AMENDMENT NO. 7

On page 2, delete line 1 and insert "**regarding food and dietary supplements for a consulting fee but**"

AMENDMENT NO. 8

On page 2, line 2, after "**to**" delete "**Chapters 11 through**"

AMENDMENT NO. 9

On page 2, line 3, delete "**15 of**"

AMENDMENT NO. 10

On page 2, line 4, change "**customer**" to **consumer**"

AMENDMENT NO. 11

On page 2, delete line 10 and insert "**(3) That the food and dietary supplements being**"

AMENDMENT NO. 12

On page 2, line 18, change "**customer**" to **consumer**"

AMENDMENT NO. 13

On page 2, line 22, change "**customer**" to **consumer**"

AMENDMENT NO. 14

On page 2, delete lines 24 through 28

AMENDMENT NO. 15

On page 2, line 29, change "**D.**" to "**C.**"

AMENDMENT NO. 16

On page 3, line 3, change "**customers**" to **consumers**"

AMENDMENT NO. 17

On page 3, line 4, change "**E.**" to "**D.**"

AMENDMENT NO. 18

On page 3, delete line 6 and insert "**recommendations regarding food and dietary supplements**"

AMENDMENT NO. 19

On page 3, line 7, delete "**remedies**"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 190—

BY SENATORS BROOME, BAJOE, HINES, MCPHERSON AND MOUNT AND REPRESENTATIVES ALARIO, DORSEY, HAMMETT AND SALTER

AN ACT

To amend and reenact R.S. 40:1299.53 (A)(6) and 1299.58 (A)(introductory paragraph) and (A)(1); to enact R.S. 40:1299.53 (A)(10) and (11), (C) and (D), 1299.58 (G), Chapter 4-A of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:445.1 through 445.33, and Part VI-E of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2180 through 2180.5, and to repeal R.S. 28:380 through 382 and 383 through 444 and R.S. 28:421 through 427, relative to citizens with developmental disabilities; to provide for definitions; to provide for system components, operations, and principles; to provide for the rights of persons with developmental disabilities; to provide for appeal and grievance procedures; to provide for consent by a person with a developmental disability; to provide for judicial commitment; to provide for the administration of the state developmental centers; to provide for the ombudsman program and quality assurance of facilities and services for persons with developmental disabilities; to provide for licensure of intermediate care facilities for the mentally retarded; to provide for licensing fees for such services; to provide for definitions; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

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Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 190 by Senator Broome

AMENDMENT NO. 1

On page 1, line 5 delete "445.33" and insert "445.32"

AMENDMENT NO. 2

On page 2, line 5 delete "445.33" and insert "445.32"

AMENDMENT NO. 3

On page 3, line 4, delete "and/"

AMENDMENT NO. 4

On page 8, lines 3 and 4, delete "and involves either of the following:" and insert ":"

AMENDMENT NO. 5

On page 8, line 5, delete "(aa)" and insert "(vi)"

AMENDMENT NO. 6

On page 8, line 8, delete "(bb)" and insert "(b)"

AMENDMENT NO. 7

On page 8, line 11, change "Subsection" to "Paragraph"

AMENDMENT NO. 8

On page 9, between lines 17 and 18, insert the following:

"(19) 'Most integrated setting' is a environment that includes the full range of service and support options that reflect the desires and goals of the person and that address the needs of the person and which promotes the full participation in daily life and activities."

AMENDMENT NO. 9

On page 9, line 18, delete "(19)" and insert "(20)"

AMENDMENT NO. 10

On page 9, delete lines 21 through 27

AMENDMENT NO. 11

On page 9, between lines 27 and 28, insert the following:

"(21) 'Plan Coordinator' means the individual who is responsible for guiding the support team in development of the support plan for the person with a disability. The plan coordinator assures that the goals identified by the person are addressed in the support plan."

AMENDMENT NO. 12

On page 11, delete lines 5 through 8

AMENDMENT NO. 13

On page 11, line 9 delete "(30)" and insert "(29)"

AMENDMENT NO. 14

On page 12, line 5, between "Receive" and "information" insert "timely"

AMENDMENT NO. 15

On page 12, line 23, after "stakeholders" insert the following:

"representing a cross section of developmental disabilities services. These representatives may be appointed from, but are not limited to, the following:

- (a) Alliance of Louisiana Developmental Centers.**
- (b) CARSA.**
- (c) Families for Choice.**
- (d) Families Helping Families.**
- (e) Human Development Center.**
- (f) La CAN.**
- (g) Louisiana Developmental Disabilities Council.**
- (h) Louisiana Governor's Office of Disability Affairs.**
- (i) LA Guardianship Program.**
- (j) People First of Louisiana.**
- (k) The Advocacy Center.**
- (l) Supported Independent Network.**

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(m) The ARC of Louisiana.

(n) Louisiana Alliance of Independent Providers."

AMENDMENT NO. 16

On page 13, line 4, delete "(3)" and insert "(2)"

AMENDMENT NO. 17

On page 13, line 24, after "organizations" insert the following:

"representing a cross section of developmental disabilities services. These representatives may include, but are not limited to, the following:

- (i) Alliance of Louisiana Developmental Centers.**
- (ii) La CAN.**
- (iii) Louisiana Developmental Disabilities Council.**
- (iv) Louisiana's Governor's Office of Disability Affairs.**
- (v) LA Guardianship Program.**
- (vi) People First of Louisiana.**
- (vii) The Advocacy Center.**
- (viii) The ARC of Louisiana.**
- (ix) Louisiana Alliance of Independent Providers."**

AMENDMENT NO. 18

On page 16, line 23, between "receive" and "a", insert "timely"

AMENDMENT NO. 19

On page 17, line 4, after "integrated" delete "living option" and insert "setting"

AMENDMENT NO. 20

On page 23, line 12, delete the line

AMENDMENT NO. 21

On page 23, line 13, delete "outcomes and goals." and insert the following:

"B.(1) The support profile and plan shall accomplish all of the following:

(a) Address the provision of individualized supports and services in the most integrated setting as determined by an individual assessment.

(b) Reflect the desires and goals of the person.

(c) Address the well-being, health, safety, and security unique to the individual."

AMENDMENT NO. 22

On page 23, line 13, before "The" insert "(2)"

AMENDMENT NO. 23

On page 23, between line 27 and 28 insert the following:

"F. Implementation of the support plan shall include consideration of service settings that address the person's chronological age, abilities, functional levels and safety needs along with desired personal outcomes and goals. Inclusive and safe interactions with persons in the environment shall be additional factors in the selection of the setting."

AMENDMENT NO. 24

On page 24, line 2, after "otherwise," insert "The provisions of this Section shall apply only to persons with cognitive disabilities."

AMENDMENT NO. 25

On page 25, delete lines 5 through 7

AMENDMENT NO. 26

On page 25, line 8, change "(4)" to "(3)"

AMENDMENT NO. 27

On page 25, line 10, change "(5)" to "(4)"

AMENDMENT NO. 28

On page 25, delete lines 12 through 29 in their entirety

AMENDMENT NO. 29

On page 26, delete lines 1 through 29 in their entirety

AMENDMENT NO. 30

On page 27, delete lines 1 through 29 in their entirety

AMENDMENT NO. 31

On page 28, delete lines 1 through 29 in their entirety

AMENDMENT NO. 32

On page 29, delete lines 1 through 29 in their entirety

AMENDMENT NO. 33

On page 30, delete lines 1 through 29 in their entirety

AMENDMENT NO. 34

On page 31, delete lines 1 through 27 in their entirety

AMENDMENT NO. 35

On page 31, line 28, change "§445.17" to "§445.16"

AMENDMENT NO. 36

On page 32, line 17, after "rules" insert "and"

AMENDMENT NO. 37

On page 32, line 27, change "§445.18" to "§445.17"

AMENDMENT NO. 38

On page 33, line 5, after "respondent" delete "has" and insert "is a person who has been diagnosed with"

AMENDMENT NO. 39

On page 34, line 24, change "§445.19" to "§445.18"

AMENDMENT NO. 40

On page 36, line 1, change "§445.20" to "§445.19"

AMENDMENT NO. 41

On page 37, line 2, change "§445.21" to "§445.20"

AMENDMENT NO. 42

On page 37, line 7, change "§445.22" to "§445.21"

AMENDMENT NO. 43

On page 37, line 22, change "§445.23" to "§445.22"

AMENDMENT NO. 44

On page 38, line 11, change "§445.24" to "§445.23"

AMENDMENT NO. 45

On page 38, line 20, change "§445.25" to "§445.24"

AMENDMENT NO. 46

On page 38, line 29, change "§445.26" to "§445.25"

AMENDMENT NO. 47

On page 39, line 13, change "§445.27" to "§445.26"

AMENDMENT NO. 48

On page 40, line 3, change "§445.28" to "§445.27"

AMENDMENT NO. 49

On page 40, line 4, delete "A."

AMENDMENT NO. 50

On page 40, line 7, after "with" insert "the Standards for Payment for"

AMENDMENT NO. 51

On page 40, line 8, delete the entire line

AMENDMENT NO. 52

On page 40, line 18, change "§445.29" to "§445.28"

AMENDMENT NO. 53

On page 41, line 9, change "§445.30" to "§445.29"

AMENDMENT NO. 54

On page 41, line 13, change "§445.31" to "§445.30"

AMENDMENT NO. 55

On page 41, line 19, change "§445.32" to "§445.31"

AMENDMENT NO. 56

On page 41, line 28, change "§445.33" to "§445.32"

AMENDMENT NO. 57

On page 42, line 4, after "shall" insert "promptly"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 205—

BY SENATOR DUPLESSIS

AN ACT

To enact Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3071 through 3075, relative to database security; to provide for legislative findings; to provide definitions; to provide for disclosure upon breach in the security of personal information by agencies and persons; to provide for delayed notification in the event of certain criminal investigations; to provide for means of notification; to provide for the recovery of damages; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 205 by Senator Duplessis

AMENDMENT NO.1

On page 3, line 3 after "elements," delete the remainder of the line and delete line 4 in its entirety and insert the following:

"when the name or the data element is not encrypted or redacted:"

AMENDMENT NO.2

On page 5, delete lines 2 and 3 in their entirety and insert the following:

"A civil action may be instituted to recover actual damages resulting from the failure to disclose in a timely manner to a person that there has been a breach of the security system resulting in the disclosure of a person's personal information."

On motion of Senator Michot, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 219—

BY SENATOR FONTENOT

AN ACT

To repeal R.S. 45:1206, relative to the Energy Efficiency Fund; to repeal the authority of the Public Service Commission to adopt rules and regulations to establish the Energy Efficiency Fund; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Michot, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 222—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 9:3529, relative to certain credit transactions; to provide for the collection of certain fees and charges due to insufficient funds when payment is made by electronic means; and to provide for related matters.

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Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Michot, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 230— BY SENATORS SCHEDLER AND N. GAUTREAUX AN ACT

To amend and reenact R.S. 37:612, 776(A)(6), 1285(A)(6) and to enact R.S. 37:1526(A)(16) and Part III of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2122 through 2122.3, relative to pain management clinics; to provide for penalties; to provide for definitions; to provide for ownership; to provide for prohibitions; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 230 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 4 delete "2122.3" and insert "2122.4"

AMENDMENT NO. 2

On page 1, line 14, delete "(a)"

AMENDMENT NO. 3

On page 1, delete line 17

AMENDMENT NO. 4

On page 2, delete lines 1 and 2

AMENDMENT NO. 5

On page 3, line 16 delete "2122.3" and insert "2122.4"

AMENDMENT NO. 6

On page 3, line 26, after "disease" insert ", beyond the expected time for healing from bodily trauma or pain associated with a long-term incurable or intractable medical illness or disease"

AMENDMENT NO. 7

On page 3, between lines 26 and 27, insert the following:

"(2) 'Controlled substance' means any substance defined, enumerated or included in federal or state statute or regulations, or any substance which may hereafter be designated as a controlled substance."

AMENDMENT NO. 8

On page 3, line 27, delete "(2)" and insert "(3)"

AMENDMENT NO. 9

On page 3, line 28, delete "(3)" and insert "(4)"

AMENDMENT NO. 10

On page 4, delete lines 5 and 6 and insert the following:

"(5) 'Lay person' means anyone who does not possess a current, unrestricted license to practice medicine, duly issued by the State Board of Medical Examiners. Lay person shall include any corporation, limited liability company, partnership or any other legal entity that is not comprised of or owned exclusively by physicians, dentists, podiatrists or veterinarians."

AMENDMENT NO. 11

On page 4, between lines 6 and 7, insert the following:

"(6) 'Non-cancer-related pain' means pain which is not directly related to symptomatic cancer."

AMENDMENT NO. 12

On page 4, line 7, delete "(5)" and insert "(7)"

AMENDMENT NO. 13

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On page 4, line 7, delete "**a facility in which**" and insert "**any clinic, facility or office not exempted by this Part, that is advertised or held out to the public as being engaged in or which is in fact engaged in**"

AMENDMENT NO. 14

On page 4, line 8 delete "**is**" and insert a period "."

AMENDMENT NO. 15

On page 4, delete lines 9 and 10

AMENDMENT NO. 16

On page 4, line 11, delete "**(6)**" and insert "**(8)**"

AMENDMENT NO. 17

On page 4, line 12 delete "**is duly authorized to practice**" and insert "**possesses a current, unrestricted license to practice such profession**"

AMENDMENT NO. 18

On page 4, line 14, delete "**has**"

AMENDMENT NO. 19

On page 4, delete line 15 and insert "**within the past five years, had board action against his license as a result of dependency on drugs or alcohol.**"

AMENDMENT NO. 20

On page 4, between lines 15 and 16 insert "**(9) 'Unlicensed pain management clinic' means any pain management clinic, as defined in this Part, that is not licensed by the department in accordance with this Part and any regulations promulgated by the department regarding pain management clinics.**"

AMENDMENT NO. 21

On page 4, line 22 after "**treatment**" delete "**or**" and insert "**of**" and after "**illness,**" insert the following: "**Only a licensed physician may engage in the treatment of non-cancer-related chronic or intractable pain with controlled substances, as defined in this Part.**"

AMENDMENT NO. 22

On page 4, line 29 delete "**, whether individually**"

AMENDMENT NO. 23

On page 5, line 1, delete "**or through a corporation, or limited or other partnership arrangement,**"

AMENDMENT NO. 24

On page 5, after line 15, insert the following:

**"§2122.4. Exemptions
A. The provisions of this Part shall not apply to the following:**

(1) A medical school including any outpatient clinic associated with a medical school.

(2) A hospital including any outpatient facility or clinic of the hospital that is separated physically from the hospital, or any other medical facility that is licensed and regulated by the department.

(3) A hospice established pursuant to R.S. 40:2198 et seq.

(4) A facility maintained or operated by the state of Louisiana or a governmental entity of this state.

(5) A clinic maintained or operated by the United States or by any of its departments, offices or agencies.

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 237—

BY SENATOR ULLO

AN ACT

To enact R.S. 46:333(E), relative to blind vendors; to authorize the Department of Social Services to enter into certain contracts; to provide for the assignment of income from vending machines;

to provide for compliance with the Randolph-Sheppard Act; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 245—

BY SENATOR SCHEDLER

AN ACT

To enact Part II-D of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2119.1 through 2119.4, relative to pain management clinics; to provide for licensure of such facilities by the Department of Health and Hospitals; to provide for a moratorium of the licensing of these clinics; to provide for clinics to which the moratorium does not apply; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 245 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 6, after "apply;" insert "to provide for violations and exemptions from the moratorium;

AMENDMENT NO. 2

On page 1, between lines 15 and 16, insert the following:

"(1) "Board" means the Louisiana State Board of Medical Examiners."

AMENDMENT NO. 3

On page 1, line 16, delete "(1)" and insert "(2)"

AMENDMENT NO. 4

On page 1, line 17, after "disease" insert the following: ", **beyond the expected time for healing bodily trauma, or pain associated with a long-term incurable or intractable medical illness or disease.**

(3) "Controlled substance" means any substance defined, enumerated or included in federal or state statute or regulations. Includes any substance which may hereafter be designated as a controlled substance."

AMENDMENT NO. 5

On page 2, line 1, delete "(2)" and insert "(4)"

AMENDMENT NO. 6

On page 2, line 2, delete "(3)" and insert "(5)"

AMENDMENT NO. 7

On page 2, delete lines 8 and 9 and insert "**(6) "Lay person" means anyone who does not possess a current, unrestricted license to practice medicine, duly licensed by the board. A lay person shall include any corporation, limited liability company, partnership or any other legal entity that is not comprised of or owned exclusively by physicians, as defined by this Part.**

(7) "Non-cancer-related pain" means pain which is not directly related to symptomatic cancer."

AMENDMENT NO. 8

On page 2, delete lines 10 through 13 and insert the following: "**(8) "Pain Management Clinic" means any clinic, facility or office, not exempted by the Part, that is advertised or held out to the public as being engaged in or which is in fact engaged in the treatment non-cancer-related chronic or intractable pain with controlled substances."**

AMENDMENT NO. 9

On page 2, delete lines 14 through 18 and insert "**(9) Physician" means an individual who possesses a current, unrestricted license to practice medicine in Louisiana, duly issued by the board, who**

has not within the past five years, had board action against his license as a result of dependency on drugs or alcohol.

(10) "Compliance period" means the time from the date of enactment of this Part until December 31, 2005.

(11) "Specialist in pain management" means one who is board certified in the subspecialty of pain management by a member board of the American Boards of Medical Specialties."

AMENDMENT NO. 10

On page 2, between lines 19 and 20, insert the following:

"A. The department shall license pain management clinics in conformity with this Part.

AMENDMENT NO. 11

On page 2, line 20 delete "A." and insert "B." and after "department" insert, **in collaboration with the board,"**

AMENDMENT NO. 12

On page 2, line 23 delete "B." and insert "C." and after "management" insert "**clinics**"

AMENDMENT NO. 13

On page 2, delete lines 28 and 29, and insert "**any pain management clinic within this state, including any office location, branch or subsidiary of such clinic, that is not doing business on the date of enactment of this Part."**

AMENDMENT NO. 14

On page 3, delete lines 1 and 2, and insert the following:

"B. The moratorium established by this Part shall extend to and prohibit a physician from utilizing any license issued by the board to practice medicine in a pain management clinic, and to occupational licenses issued to professionals or lay persons, as defined in this Part, by any other Louisiana agency, board, commission or authority."

AMENDMENT NO. 15

On page 3, delete line 5 and insert "**enactment of this Part, and any physician practicing medicine in such a clinic, shall not be affected by this moratorium and shall be permitted to operate and practice through the compliance period. No pain management clinic shall remain in operation and no physician shall continue to practice in such a clinic beyond the compliance period, unless on or before the expiration of the compliance period, such clinic submits to the department satisfactory evidence establishing the following:**

(1) All medical services are provided exclusively by a physician who meets both of the following criteria:

(a) Is not employed by, serve as an independent contractor to, or have any contractual, financial or other relationship with a lay person in connection with the services provided by such a clinic.

(b) Is not enrolled in a medical residency or other post-graduate medical training program.

(2) Any physician who practices in a pain management clinic after the compliance period who hold himself out to the public as a "specialist in pain management" shall be board certified in the subspecialty of pain management by a member of the American Boards of Medical Specialty."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 271—

BY SENATORS MCPHERSON, BAJOE, HINES AND MOUNT AND REPRESENTATIVES DORSEY, HAMMETT AND SALTER

AN ACT

To amend and reenact R.S. 14:403.2(E)(9)(a), and to enact R.S. 40:1300.51(2)(l) and (m), and Part VI-D of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2179 through 2179.1, and to repeal R.S. 37:2504(D) and (E), relative to direct service workers; to provide relative to the adult protection agency; to provide with respect to the confidentiality of case records; to provide for criminal history

checks of direct service workers; to define direct service workers; to authorize the Department of Health and Hospitals to promulgate rules to maintain a registry of direct service workers; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 271 by Senator McPherson

AMENDMENT NO. 1

On page 3, line 3, after "**department,**" insert "**Access to the registry shall be limited to an inquiry for a specific direct care worker.**"

AMENDMENT NO. 2

On page 3, line 6, after "**mandatory**" delete "**training and competency**" and insert "**qualifications and requirements**"

AMENDMENT NO. 3

On page 3, line 7, delete "**standards**"

AMENDMENT NO. 4

On page 3, between lines 7 and 8, insert the following:
"**C. The provisions of this Part shall apply only to direct service workers who are compensated through state or federal funds, regardless of the setting, and specifically do not apply to those direct service workers listed on the Certified Nurse Aide Registry established under rules promulgated by the Department of Health and Hospitals.**"

AMENDMENT NO. 5

On page 3, delete lines 9 and 10 and insert "**A direct service worker is an unlicensed person who provides personal care or other services and**"

AMENDMENT NO. 6

On page 3, line 12 delete "**, regardless of**"

AMENDMENT NO. 7

On page 3, line 13 delete "**setting**"

AMENDMENT NO. 8

On page 3, delete lines 15 and 16 and insert "**supports.**"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**Senate Resolutions
to be Adopted, Subject to Call**

The following Senate Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Marionneaux asked that Senate Resolution No. 20 be called from the Calendar at this time.

SENATE RESOLUTION NO. 20—

BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corps Lance Corporal Larry L. Wells upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

**Senate Concurrent Resolutions
on Second Reading
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 7—

BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To amend the rule adopted as policy by the Facility Planning and Control Division of the Office Facilities Corporation regarding procedure for access by visitors and/or non-tenants to a state office building, and to direct such division to reissue its policy.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Concurrent Resolution No. 7 by Senator Fields

AMENDMENT NO. 1

On page 1, line 3, change "procedure" to "procedures"

AMENDMENT NO. 2

On page 1, line 13, change "; and" to "."

AMENDMENT NO. 3

On page 1, delete lines 14 through 18 and on page 2, delete lines 1 through 14

AMENDMENT NO. 4

On page 2, line 18, after "or a member of its" insert "permanent"

AMENDMENT NO. 5

On page 2, line 19, after "member or" insert "permanent"

On motion of Senator Jones, the committee amendment was adopted. The amended resolution was read by title and ordered engrossed and passed to a third reading.

SENATE CONCURRENT RESOLUTION NO. 14—

BY SENATOR JONES

A CONCURRENT RESOLUTION

To urge and request the state of Louisiana to assume full ownership and possession of the real property and all of the improvements located on the property formerly known as Swanson Correctional Center for Youth-Madison Parish Unit facility at Tallulah.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Concurrent Resolution No. 14 by Senator Jones

AMENDMENT NO. 1

On page line 2, after "Louisiana to" insert "determine whether or not it is in the best interest of the state to"

AMENDMENT NO. 2

On page 1, line 4, after "Tallulah" insert "or to authorize the city of Tallulah to assume such ownership and possession and to take whatever action facilitates the best interest of the state, subject to the approval of the Joint Legislative Committee on the Budget"

AMENDMENT NO. 3

On page 2, line 12, change the "." to "; and"

AMENDMENT NO. 4

On page 2, between lines 12 and 13, insert the following:

"WHEREAS, any assumption of full ownership and possession of the real property and all the improvements shall not be at a cost to the state that exceeds the principal balance owed at the time of the adoption of this Resolution."

AMENDMENT NO. 5

On page 2, line 14, after "state to" insert "determine whether or not it is in the best interest of the state to"

AMENDMENT NO. 6

On page 2, line 16, after "Louisiana" insert "or to authorize the city of Tallulah to assume such ownership and possession and to take whatever action facilitates the best interest of the state, subject to the approval of the Joint Legislative Committee on the Budget"

On motion of Senator Jones, the committee amendment was adopted. The amended resolution was read by title and ordered engrossed and passed to a third reading.

Motion to Make Special Order

Senator Dupre asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 216, which is on Third Reading and Final Passage, Special Order of the Day No. 1 on Tuesday, May 10, 2005, immediately following the Morning Hour.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 5, 2005

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 11—

BY SENATORS ELLINGTON, HINES, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To designate the Senate Briefing Room as the "John J. Hainkel, Jr. Room."

SENATE RESOLUTION NO. 18—

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Sergeant Robert J. Mogensen upon his death in Operation Enduring Freedom.

SENATE RESOLUTION NO. 66—

BY SENATOR BAJOE

A RESOLUTION

To commend Delta Sigma Theta Sorority, Inc., for its achievements and community service and to designate May 4, 2005, as Delta

Sigma Theta Sorority "Red and White" Day at the Senate of the Legislature of Louisiana.

SENATE RESOLUTION NO. 16—

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Robert L. duSang upon his death in Operation Iraqi Freedom.

SENATE RESOLUTION NO. 17—

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant Rene Knox, Jr., upon his death in Operation Iraqi Freedom.

SENATE RESOLUTION NO. 61—

BY SENATOR N. GAUTREAUX

A RESOLUTION

To offer the condolences of the Senate upon the death of Ron Tellefsen who, courageously and unknowingly to his beloved following, battled with non-Hodgkin's lymphoma.

SENATE RESOLUTION NO. 62—

BY SENATOR N. GAUTREAUX

A RESOLUTION

To commend Olympic gymnast Carly Patterson on her many accomplishments and her performance at the 2004 Summer Olympic Games in Athens.

SENATE RESOLUTION NO. 63—

BY SENATOR N. GAUTREAUX

A RESOLUTION

To commend Olympic wrestler Daniel Cormier for his many accomplishments and performance at the 2004 Summer Olympic Games in Athens.

SENATE RESOLUTION NO. 64—

BY SENATOR BROOME

A RESOLUTION

To recognize the importance of promoting women's health and well being in Louisiana, and to designate May 5, 2005, as "Go Red for Mothers and Women Day" in honor of all women, in Louisiana that have been touched by heart disease or stroke.

SENATE RESOLUTION NO. 65—

BY SENATOR DARDENNE

A RESOLUTION

To commend Senate Assistant Sergeant-at-Arms Eugene LeDoux for being dubbed "King of the Lakes."

SENATE RESOLUTION NO. 19—

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Sergeant Michael S. Evans II, upon his death in Operation Iraqi Freedom.

SENATE RESOLUTION NO. 67—

BY SENATOR THEUNISSEN

A RESOLUTION

To commend Jacob Landry, former Louisiana Elementary Student of the Year and former Louisiana High School Student of the Year, on being named a 2005 Truman Scholar.

SENATE RESOLUTION NO. 68—

BY SENATOR JONES

A RESOLUTION

To commend and congratulate Mr. and Mrs. S.O. McHenry of Richwood, Louisiana on the occasion of their sixty-fifth wedding anniversary.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate.

Message to the Secretary of State

SIGNED

SENATE CONCURRENT RESOLUTIONS

May 5, 2005

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 8—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To designate April 28, 2005 as "Youth Personal Financial Literacy Day at the Louisiana State Capitol."

SENATE CONCURRENT RESOLUTION NO. 9—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To designate and proclaim April 2005 as "Habitat for Humanity-Vinyl Partners Spirit Blitz Build Month" and recognize the work of Habitat for Humanity of Greater Baton Rouge, the Louisiana vinyl industry, the Vinyl Partners for Humanity, LSU School of Design, LSU Greek organizations, and other corporate and community partners working together to build six new homes in Baton Rouge and Plaquemine, and to urge Louisiana communities to support Habitat for Humanity projects across the state.

SENATE CONCURRENT RESOLUTION NO. 21—

BY SENATORS HINES, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES SALTER, BRUNEAU, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, T. POWELL, M. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, JACK SMITH, JANE SMITH, JOHN SMITH, GARY SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON AND WRIGHT

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of State Senator John J. Hainkel, Jr., former speaker of the House of Representatives and president of the Senate.

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of L.A. "Buddy" Henagan, Mayor of DeQuincy.

SENATE CONCURRENT RESOLUTION NO. 24—

BY SENATOR THEUNISSEN AND REPRESENTATIVE MORRISH

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Vincent J. Berken.

SENATE CONCURRENT RESOLUTION NO. 27—

BY SENATOR THEUNISSEN AND REPRESENTATIVES THOMPSON, SALTER, CRANE AND HONEY

A CONCURRENT RESOLUTION

To recognize and commend Mark Musick upon the occasion of his retirement as president of the Southern Regional Education Board after more than two decades of distinguished service to the sixteen member states.

SENATE CONCURRENT RESOLUTION NO. 29—

BY SENATOR N. GAUTREAUX AND REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of former State Senator James E. Fontenot.

SENATE CONCURRENT RESOLUTION NO. 30—

BY SENATOR BAJOE

A CONCURRENT RESOLUTION

To invite Chief Justice Pascal Calogero of the Louisiana Supreme Court to address a joint session of the legislature.

SENATE CONCURRENT RESOLUTION NO. 31—

BY SENATOR MOUNT AND REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To commend McNeese State University School of Nursing on the occasion of its fiftieth anniversary of training nurses to serve in the health care delivery system in Louisiana and throughout the nation.

SENATE CONCURRENT RESOLUTION NO. 33—

BY SENATOR THEUNISSEN AND REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To continue and revise the Cameron Parish Economic Development Task Force for the purpose of studying and making recommendations relative to economic development in Cameron Parish.

SENATE CONCURRENT RESOLUTION NO. 34—

BY SENATORS DARDENNE, AMEDEE, BOASSO, MALONE AND MICHOT AND REPRESENTATIVES M. GUILLORY, HAMMETT, MONTGOMERY, T. POWELL, QUEZAIRE, ROBIDEAUX, SCHNEIDER, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GUILLORY, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SHEPHERD, SMILEY, JACK SMITH, JANE SMITH, JOHN SMITH, GARY SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON AND WRIGHT

A CONCURRENT RESOLUTION

To commend the recipients of the 2005 Louisiana Young Heroes Award.

SENATE CONCURRENT RESOLUTION NO. 37—
BY SENATORS DARDENNE AND BROOME AND REPRESENTATIVE
DORSEY

A CONCURRENT RESOLUTION

To commend the American Bowling Congress (ABC) for locating
and conducting the 102nd ABC Tournament at the Baton Rouge
River Center.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Leaves of Absence

The following leaves of absence were asked for and granted:

Hollis	1 Day	McPherson	1 Day
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Adjournment

Senator Bajoie moved that the Senate adjourn until Monday,
May 9, 2005, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until
4:00 o'clock P.M. on Monday, May 9, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk